

Appl. No. 10/664,648  
Amdt. Dated November 14, 2006  
Reply to Office Action of August 14, 2006

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**REMARKS**

Claims 1-12 are pending in this application. After claim cancellations, amendments and additions in this Response to Office Action, claims 1-13 will remain pending in this application.

In the Office Action dated August 14, 2006, the Examiner objected to the disclosure because of typographical error "tooting" at line 5 of paragraph [0025]. Applicant has corrected this error.

The Examiner also objected to claims 1-12 because the term "gradient" appears to be an awkward translation. Applicant notes that the term "gradient cable" is a translation of the German term "Steigungskabel". In response to the Examiner's objection, Applicant has amended claims 1-5 and 9 to replace "gradient cable" with "driving cable" as an alternative translation.

The Examiner has also rejected claim 10 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement, because no structure that allows the guide wheel to be displaceable as claimed is disclosed. Applicant has canceled claim 10.

The Examiner has also rejected claim 10 under 35 U.S.C. § 112, second paragraph, as being indefinite because the recitation "wherein the housing is selected from ..." is unclear. The Examiner has instead suggested the language "wherein the method of constructing the housing is selected from a group ...". In response, Applicant has amended claim 12 in the manner suggested by the Examiner and now request that this rejection be withdrawn.

The Examiner has rejected claims 1, 2, 5 and 10-12 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2001/0035062 (Schutt). Applicant traverses the Examiner's rejection.

Schutt does not teach all the elements of amended claim 1, as alleged by the Examiner. Schutt describes a drive for a displaceable motor vehicle part, which comprises at least one drive

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cable (22, 24) and a driven output pinion (12), wherein the output pinion (12) drives a drive unit (14, 16; 114, 115, 116, 117) which engages the drive cable or cables (22, 24) at least at two points in order to drive it or them. However, Applicant points out that, in Schutt, driven output pinion 12 is not in direct contact with the drive cable 22 or 24, but rather drives two intermediate gear wheels 114, 116 (see Fig. 6). Moreover, contrary to the Examiner's rejection, Schutt does not teach that the gear wheels 114, 116 serve to support the guide tubes 18, 20, as required by Applicant's claims.

Furthermore, Schutt does not teach how to account for different thicknesses of the driving cable(s). Applicant notes that claim 1 has been amended to add that "the first guide wheel comprises a first bearing spindle defining a first guide wheel axis, the first bearing spindle being mounted on an eccentric for adjustment of the first bearing spindle with respect to the driving pinion", in order to further distinguish the claims invention from the disclosures of Schutt. Similarly, Applicants have also added new dependent claim 13 to claim a "second guide wheel supporting the first driving cable essentially at a level with the first portion of the first driving cable, wherein the second guide wheel comprises a second bearing spindle defining a second guide wheel axis, the second bearing spindle being mounted on an eccentric for adjustment of the second bearing spindle with respect to the driving pinion.". The subject matter of the amendment to claim 1 and of new claim 13 is not new matter and was disclosed in the specification at paragraph 26 and in Fig. 3.

Accordingly, amended claim 1 is not anticipated by the Schutt reference, as stated by the Examiner, and Applicant respectfully requests that the Examiner withdraw his rejection of claim 1. Claims 2, 5 and 11-12, which are dependent upon claim 1, should also be allowable.

The Examiner further rejected claims 1-12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,612,600 (Bratkowski et al.) in view of U.S. Patent No. 4,413,808 (Finkle). Applicant traverses the Examiner's rejection.

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Bratkowski describes a position encoding system for controlling movement of a movable panel between predetermined positions by a pair of cables coupled thereto. The system in relevant part includes a housing assembly and a mounted motor, having a rotatable output shaft that rotates the drive gear structure, which in turn moves the cables linearly to move the panel. Specifically, Bratkowski has a guide tube 44 surrounding a section of first driving cable 37, housing parts 14,16 supporting the driving cable 37 in its longitudinal direction, and a driving pinion 32 meshingly engaging with a first portion of the first driving cable 37. As stated correctly by the Examiner, Bratkowski does not disclose at least one guide wheel.

Finkle describes a portable, power-driven device capable of being carried by an operator to force stiff but bendable fishing tape through an electrical conduit until engageable means on the free end of the tape project from the conduit. The free end of a length of wire is removably secured to the engageable means, the device retracting the tape into a storage reel, and the wire is drawn through the conduit as the tape is retracted. Specifically, Finkle shows guide wheels 50 with gripping members 58 on a bearing spindle 52 (see Fig. 6) for gripping fishing tape B (see Fig. 5). Two springs 64 are received within two bores 66, with each of the springs 64 acting on the bearing spindle 52 of the guide wheel 50 (see Fig. 6, and column 3, lines 50-65 of the specification).

In order to account for different thicknesses of the fishing tape B, Finkle teaches to change the degree of compression of each of the springs 64 manually by acting of plugs 70 by means of a screw driver (see column 3, lines 59-68 of the specification). However, this is very cumbersome to do, since both springs 64 should be adjusted to an equivalent degree in order to provide an adequate gripping of the fishing tape B at the upper and the lower end. Furthermore, springs 64 require a housing for receiving them together with a means for adjusting the springs 64. Consequently, springs 64 as taught by Finkle as a means for adjusting the bearing spindle 52 turn out to be a multi-part device which is difficult to handle when necessary.

Applicant first notes that Bratkowski and Finkle are in completely different fields of art, and, despite any remote similarity in their mechanisms pointed out by the Examiner, one of

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ordinary skill in the art of Applicant's invention, namely a device for driving a gradient cable, would in no way have been motivated to look at these two references in combination due their markedly different subject matters.

Furthermore, even if one were to combine the teachings of Bratkowski and Finkle, the resulting device would comprise at least two springs for one bearing spindle, and this would require the presence of two bores for each of the springs to receive them within the housing. By contrast, the device according to amended claim 1 does not require a spring and a bore. Instead, providing the eccentric according to amended claim 1 has the advantage of providing an adjustment of the bearing spindle(s) in an easy way or in a self-adjusting manner. Furthermore, no additional pieces like springs or bores are required, and this turns out to be advantageous in particular if more than one bearing spindle is to be adjusted by one single eccentric.

Accordingly, amended claim 1 is not rendered obvious by the combination of the Bratkowski and Finkle references, as stated by the Examiner, and Applicant respectfully requests that the Examiner withdraw his rejection of claim 1. Claims 2-9 and 11-13, which are dependent upon claim 1, should also be allowable.

Reconsideration of the present application, as amended, is requested. If, upon review, the Examiner is unable to issue an immediate Notice of Allowance, the Examiner is respectfully requested to telephone Applicant's undersigned attorney in order to resolve any outstanding issues and advance the prosecution of the case.

Respectfully Submitted,  
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